

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**SHERRY LEE CRUZ,** )  
Petitioner, ) Civil Action No. 7:16cv00318  
 )  
v. ) **ORDER**  
 )  
**TAMMY BROWN,** )  
Respondent. ) By: Norman K. Moon  
 ) United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that Cruz's 28 U.S.C. § 2254 petition is **DISMISSED without prejudice** and this action is **STRICKEN** from the active docket of the court.

Further, finding that Cruz has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this order and accompanying memorandum opinion to the petitioner.

**ENTER:** This 13th day of July, 2016.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE